

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOSEPH YELLOW HAMMER,

Defendant.

CR-17-22-GF-BMM

ORDER

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on September 12, 2019. (Doc. 60.) The Defendant waived the 14 day objection period and the right to allocute before the undersigned at the revocation hearing held September 11, 2019. (Doc. 59.)

When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Thomas v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on September 11, 2019. (Doc. 59.) The United States accused Mr. Yellow Hammer (Yellow Hammer) of violating his conditions of supervised release by failing to report to his probation

officer within 72 hours of his release from prison (Doc. 60 at 2.) Yellow Hammer admitted to the allegation (Doc. 59.) Judge Johnston found that Yellow Hammer's violation warrants revocation, and recommended a sentence of 3 months of custody, with 19 months of supervised release to follow. (Doc. 60 at 4.)

These violations prove serious and warrant revocation of Yellow Hammer's supervised release. The Court finds no clear error in Judge Johnston's Findings and Recommendations.

Accordingly, **IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 60) are **ADOPTED IN FULL**.

IT IS FURTHER ORDERED that Defendant Joseph Yellow Hammer, Sr. be sentenced to a term of custody of 3 months with 19 months of supervised release to follow.

DATED this 12th day of September, 2019.



Brian Morris
United States District Court Judge